

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

IN RE: ETHICON, INC.,
PELVIC REPAIR SYSTEM
PRODUCTS LIABILITY LITIGATION

MDL No. 2327

THIS DOCUMENT RELATES TO:

Bingham v. Ethicon, Inc., et al.

Civil Action 2:13-cv-07467

ORDER
(Motion to Dismiss)

Pending before the court is the defendants Ethicon, Inc., Ethicon, LLC, and Johnson & Johnson's (collectively, the "defendants") motion to dismiss [Docket 4].

The plaintiff has neither served the defendants nor complied with Pretrial Order # 20 within 120 days after filing the complaint. *See* Fed. R. Civ. P. 4(m); (Pretrial Order # 20, *In re: Ethicon, Inc. Pelvic Repair System Products Liability Litigation*, No. 2:12-md-2327, available at http://www.wvsc.uscourts.gov/MDL/ethicon/pdfs/PTO_20.pdf). The plaintiff did not file a response to the instant motion and, thus, has not demonstrated good cause warranting an extension for time to serve. *See* Fed. R. Civ. P. 4(m). Whether or not this court is permitted to grant an extension without a showing of good cause, the plaintiff has failed to request such relief here. Therefore, the defendants' motion to dismiss is **GRANTED**.

The court **DIRECTS** the clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: July 23, 2015



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE